

**EAST LOTHIAN**

**Meeting 25 August 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian**

**Licensing (Scotland) Act 2005**

Variation (Major)(s)	Premises	Applicant	Date Received	Comments
2	CARBERRY TOWER 1 CARBERRY TOWER WHITECRAIG MUSSELBURGH EAST LOTHIAN EH21 8PY	KINGSLAND ESTATES (CARBERRY TOWER) LIMITED C/O ANDERSON STRATHERN LLP 1 RUTLAND COURT EDINBURGH EH3 8EY	20 June 2016	Vary Operating plan to include bar meals, Vary Layout plan to change the names of various rooms. Vary the description to Carberry tower is a 15th Century Castle now used as a hotel with conference facilities, event, hospitality and training centre with a restaurant, bar, function rooms and a separate Ceilidh Hall.



EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29  
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-  
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- X Any of the information contained within the Operating Plan
- X The Layout Plan
- X Any other information contained or referred to in the licence (including any addition, deletion or other modification).  
(Provide Details)

Description of the Premises

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0106

2(b) Name and Address of Premises

Carberry Tower  
Whitecraig  
Musselburgh  
East Lothian

Post Code EH21 8PY

Phone No.

2(c) Full Name and Address of Current Licence Holder

Kingsland Estates (Carberry Tower) Limited  
1 Rutland Court  
Edinburgh

Post Code EH3 8EY

Phone No. 0131 270 7700

### SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

#### **3(a) Variation to the Conditions to which the Premises Licence is subject**

Provide details of the Condition(s) to be varied and the variation being sought

N/A

#### **3(b) Variation to the information contained within the Operating Plan of the Premises Licence**

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

To include bar meals.

#### **3(c) Variation to the Layout Plan of the Premises Licence**

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

Change of names of various rooms as follows:

The Garden Hall (formerly the Boar Hall)

The Tap Room (formerly the Boar Bar)

The Keep (formerly the Boar Hall Lounge)

The Strongroom (formerly the Beacon Room/Whisky Bar)

The Rose Garden Rooms (formerly the Refectory/Servery/Rose Garden Restaurant)

The Edwardia (formerly the Elphinstone Room)

The Drawingroom (formerly the Princess Elizabeth Lounge)

The Library Club Lounge (formerly the Library)

The Banqueting Pavilion (formerly the Marquee)

The Chapel (formerly the Ceilidh Hall)  
The Courtyard Bistro (formerly the Snooker Hall)  
The Champagne Terrace (formerly the Rose Garden)

**3(d) Variation to any other information contained or referred to in the licence**

Provide details below of any other variation sought to the Premises Licence  
(e.g. *Alteration to the description of the premises contained within the Premises Licence*)

Variation to the Description of premises as follows:

Carberry Tower is a 15<sup>th</sup> Century Castle now used principally as a hotel with conference facilities, event, hospitality and training centre with a restaurant, bar, function rooms and a separate ceilidh hall.

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES                       NO

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)  
.....

**SECTION 5: FEE PAYABLE**

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

*If signing on behalf of the applicant please state in what capacity.*

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £ 150.00 is enclosed.

**Signature**

Jonathan Guy  Strathern LLP as Agent on behalf of Kingsland Estates (Carberry Tower) Limited  
(see note 5 below)

**Date** 17.6.16

.....

Capacity: AGENT (delete as appropriate)

**If agent, please provide name, address, phone number and (if applicable) email address**

Jonathan Guy  
Anderson Strathern LLP  
1 Rutland Court  
Edinburgh, EH3 8EY  
Tel: 0131 625 7292  
Email: jonathan.guy@andersonstrathern.co.uk

**Note 1:**

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

**Note 2:**

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

**Note 3:**

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

**Note 4:**

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

**Note 5:**

**Data Protection Act 1998**

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

**Contact Us:**

**East Lothian Licensing Board**  
Licensing Office  
John Muir House  
Haddington, East Lothian  
EH41 3HA

**Phone:** 01620 827217 / 827867 / 820114

**Fax:** 01620 827253

**Email:** [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

**FOR OFFICE USE ONLY**

<i>Received &amp; Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

# EAST LoTHIAN LICENSING BOARD

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

*Name, address and postcode of premises to be licensed.*

<b>Carberry Tower</b> <b>Whitecraig</b> <b>Musselburgh</b> <b>East Lothian, EH21 8PY</b>
---

### Question 1

*STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH*

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>YES</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>NO</i>
<i>*Delete as appropriate</i>	

### Question 2

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES*

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11:00	23:00
<i>Tuesday</i>	11:00	23:00
<i>Wednesday</i>	11:00	23:00
<i>Thursday</i>	11:00	01:00
<i>Friday</i>	11:00	01:00
<i>Saturday</i>	11:00	01:00
<i>Sunday</i>	12:30	Midnight



**Question 3**

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES*

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<b>YES</b>
--	------------

*\*If YES – provide details*

Extra hours in line with East Lothian Licensing Board's Policy on additional hours over the Christmas and New Year period.

**Question 5**

*PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL*

<b>COL. 1</b>	<b>COL. 2</b>	<b>COL. 3</b>	<b>COL. 4</b>
<i>5(a) Activity</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm</i>

		<b>YES/NO</b>	<b>YES/NO</b>
<i>Accommodation</i>	YES	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	YES	YES	YES
<b>5(b) Activity</b> <i>Social functions including:</i>	<i>Please confirm</i> <b>YES/NO</b>	To be provided during core licensed hours – please confirm <b>YES/NO</b>	Where activities are also to be provided outwith core licensed hours please confirm <b>YES/NO</b>
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	YES	YES	YES
<i>Club or other group meetings etc.</i>	YES	YES	YES
<b>5(c) Activity</b> <i>Entertainment including:</i>	<i>Please confirm</i> <b>YES/NO</b>	To be provided during core licensed hours – please confirm <b>YES/NO</b>	Where activities are also to be provided outwith core licensed hours please confirm <b>YES/NO</b>
<i>Recorded music – see 5(g)</i>	YES	YES	YES
<i>Live performances – see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	YES	YES	YES
<i>Theatre</i>	YES	YES	YES
<i>Films</i>	YES	YES	YES
<i>Gaming</i>	YES	YES	YES
<i>Indoor/outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	YES	YES	YES
<b>5(d) Activity</b>	<i>Please confirm</i> <b>YES/NO</b>	To be provided during core licensed hours – please confirm <b>YES/NO</b>	Where activities are also to be provided outwith core licensed hours please confirm <b>YES/NO</b>
<i>Outdoor drinking facilities</i>	YES	YES	YES

<i>5(e) Activity</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Adult entertainment</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>

*Where you have answered YES in respect of any entry in column 4 above, please provide further details below.*

Accommodation is provided 24 hours a day, 7 days a week.

Conference, restaurant, bar meals, receptions, club or group meetings, are provided outwith core hours but no before 07:00 and not later than 01:00. Live performances, dance facilities, theatre are provided outwith core hours but will not commence before 10:00 and not later than 01:00.

Films are available for patrons to view in their bedrooms – 24 hours a day, 7 days a week, educational/commercial films are also shown within the premises but viewings will not commence before 07:00 and no later than 01:00.

Televised sport is available to view by patrons in the bedrooms and can be shown 24 hours a day, 7 days a week.

Recorded music – background music is played when the premises are open.

The external area may be used prior to the commencement of core hours for general recreation, viewing of grounds and related activities.

No alcohol will be sold outwith core hours unless an extended hours licence is in place.

*5(f) any other activities*

*If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.*

Corporate events, team building events, conferences, community events and charity events.

*5(g) Late night premises opening after 1.00am*

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>N/A</i>
--	------------

<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>N/A</i>
<i>*Delete as appropriate</i>	

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	<i>YES</i>
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

Children and Young Persons will be allowed access to the premises at all times when accompanied by a responsible adult.

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

Children – Birth to 15  
Young Persons – 16 & 17

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

Children and Young Persons will have access to the premises 24/7 when residing on the premises. Children and Young Persons can remain within the restaurant and lounge areas provided they are supervised by a parent or guardian. They may remain for the duration of any private function. Children and Young Persons must vacate bar area at 22:00

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

Children and Young Persons will have access to all public area of the premises.

**Question 7**

**CAPACITY OF PREMISES**

What is the proposed capacity of the premises to which this application relates?

On Sales – 320

Capacity breakdown – main building, ceildh hall and outside drinking area – 320.

**Question 8**

**PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)**

Personal details

8(a) Name

Christopher Michael Campbell

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address and telephone number

--

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
11 December 2014	City of Edinburgh Council	272705

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief.

Signature 

Jonathan Guy, Solicitor for and on behalf of Anderson Strathern LLP as Agent on behalf of Kingsland Estates (Carberry Tower) Limited

\* (see note below)

Date .....17.6.16.....

Capacity .....AGENT..... APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Jonathan Guy

Anderson Strathern LLP

1 Rutland Court

Edinburgh, EH3 8EY

Tel: 0131 625 7292

Email: jonathan.guy@andersonstrathern.co.uk

**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

Date 28<sup>th</sup> June 2016

Your Ref: EL106

Our Ref: J/LIC/3705/HB

The Clerk of the Licensing  
Board  
East Lothian Council  
John Muir House  
Haddington  
East Lothian  
EH41 3HA



**POLICE  
SCOTLAND**

Keeping people safe

Philip Gormley QPM  
Chief Constable

Local Area Commander  
The Lothians and Scottish Borders Division  
Haddington Police Station  
39-41 Court Street  
Haddington  
EH41 3AE

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
CARBERRY TOWER, 1 CARBERRY TOWER, WHITECRAIG  
KINGSLAND ESTATES (CARBERRY TOWER) LIMITED**

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of a request to offer bar meals and the change of names of various rooms within the building.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully,



Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147

# **EAST LOTHIAN COUNCIL**

## **LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES**

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

---

**Date: 29 June 16**

**Subject: LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE APPLICATION (MAJOR VARIATION)**

**Carberry Tower, Whitecraig, Musselburgh, EH21 8PY**

I refer to the above subject and can confirm that the undernoted premises have been assessed in relation to application for a Premises Licence variation.

I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act.

I have no objections to the granting of this application.

R. Fruzynski  
Licensing Standards Officer